

A1 least 6 months without the use of anti-fogging agents and pyrrolidone-containing additives.

A2 15. (Once amended) A shelf stable kit for making a Mexican style snack or meal, said kit comprising a carton, at least one fully baked flatbread product; and one or more other food components; a plurality of containers within the carton to hermetically seal the flatbread product and the one or more other food components from atmosphere external of the carton; wherein the flatbread product is made with a formulation including corn syrup and glycerine and has a water activity in the range of about 0.80 to about 0.85 which gives the flatbread product a soft texture, wherein the soft texture can be maintained, when sealed in an inert atmosphere and stored at ambient temperatures, for periods of at least 6 months without the use of anti-fogging agents and pyrrolidone-containing additives.

#### **REMARKS**

Claims 1 and 15 have been amended to make it clearer that both the anti-fogging agents **and** the pyrrolidone-containing additives are excluded from the fully baked flatbread product of claims 1-14 and the shelf stable kit for making a Mexican style snack or meal of claims 15-22. Applicants intended these claims to exclude both the anti-fogging agents and the pyrrolidone-containing additives. Indeed, Applicants believed, and still believe, that the phrase "without the use of anti-fogging agents or pyrrolidone-containing additives" excluded both additives. Nonetheless, the Examiner concluded that the phrase only excluded one or the other and not both. As noted, Applicants do not believe that this interpretation is correct. In order to advance prosecution, however, Applicants have amended these claims to make it clear that both types of additives are excluded. Support for this amendment can be found, for example, on page 4, lines 3-5, lines 14-16, and page 8, lines 7-9.

#### **Rejections Under 35 U.S.C. § 103(a)**

(1) The Examiner has rejected Claims 1-14 and 23-24 under 35 U.S.C. §103(a) as being unpatentable over Berkowitz et al. (U.S. Patent 5,059,432) in view of Rudel (U.S. Patent 5,458,902).